

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO.: 3:17cv635

United States of America

v.

DEFAULT JUDGMENT

Approximately \$2,061.22 in funds seized from
Bank of America Account XXXX-XXXX-
1340, such account held by or for the benefit of
Albert V. Strong;

Approximately \$447.46 in funds seized from
Bank of America Account XXXXXXXXX5965,
such account held by or for the benefit of
Albert Strong DBA Tri State Machine & Fab,
Albert V. Strong Sole Proprietorship;

One 2009 Harley Davidson Model FLSTC,
VIN 1HD1BW5159Y026948, titled to Albert
V. Strong;

One 2003 Harley Davidson Model FLSTSI
ANNIV, VIN 1HD1BYB403Y019956, titled
to Albert V. Strong;

One 2012 Harley Davidson Model FLSTSE3,
VIN 1HD1PY910CB954510, titled to Albert
V. Strong;

One 2014 Harley Davidson Model FLHRSE,
VIN 1HD1PG812EB950425, titled to Albert
V. Strong;

One 2013 Harley Davidson Model
FLHTCUSE, VIN 1HD1PR810DB952796,
titled to Albert V. Strong;

One 2014 Harley Davidson Model VRSCF,
VIN 1HD1HPH10DC802263, titled to Albert
V. Strong;

One 2014 Harley Davidson Model FLS SLIM,
VIN 1HD1JRV14EB028899, titled to Albert
V. Strong;

One 2015 Harley Davidson Model FLHXSE,
VIN 1HD1PXN15FB954815, titled to Albert
V. Strong;

One 2013 LEXUS GS350, VIN
JTHBE1BL2D5003979, titled to Albert V.
Strong;

The real property at 127 Douglas Heights, #
14, Union, South Carolina, more particularly
described in a Warranty Deed to Albert Strong,
recorded on April 6, 2009, at Union County
Register of Deeds Book 237, Page 482;

The real property at 104 Smith Drive, Union,
South Carolina, more particularly described in
a Tax Deed to Albert Strong, recorded on
February 22, 2012, at Union County Register
of Deeds Book 241, Page 916;

The real property at 1911 Smith Road,
Newberry, South Carolina, more particularly
described in a Title to Real Estate to Albert V.
Strong and Kelly E. Strong, recorded on May
1, 2013 at the Newberry County Register of
Deeds, Book 1693, Page 245;

The real property at 4007 Timber Crossing
Drive, Rock Hill, South Carolina, more
particularly described in a Deed to Vickie L.
McCorkle and Albert V. Strong, recorded on
or about March 17 or 18, 2014 at the York
County Register of Deeds, Volume 14015,
Page 170; and

The real property at 127 Douglas Heights, #
13, Union, South Carolina, more particularly
described in a Warranty Deed to Albert V.
Strong, recorded on June 30, 2014, at Union
County Register of Deeds Book 254, Page 460.

THIS MATTER is before the Court on the United States of America's Motion pursuant to Fed. R. Civ. P. 55(b)(2), for Default Judgment in this case. For good cause shown, the Court will GRANT the Motion and enter Default Judgment. In support hereof, the Court finds as follows:

I. Background

On October 27, 2017, the Government filed a verified Complaint for Forfeiture *In Rem* [Doc. 1] against the above-captioned funds, vehicles, and real property (hereafter, collectively, "Properties"). The Government contended that the Properties constituted, derived from, or were traceable to proceeds of mail fraud in violation of 18 U.S.C. § 1341 and wire fraud in violation of 18 U.S.C. § 1343, and property involved in monetary transactions in violation of 18 U.S.C. § 1957. Thereafter, the Clerk issued a Warrant of Arrest *In Rem* [Doc. 2] for the personal properties already in law enforcement possession and the Government posted a notice of the Complaint on the real properties and served the Complaint on the property owners, all in compliance with Fed. R. Civ. P., Supp. R. G(3)(b) and 18 U.S.C. § 985(a)(c)(1).

Then, the Government provided notice by publication as to all persons in the world with potential claims to the Properties. Specifically, from January 5, 2018 through February 3, 2018, the Government published notice via www.forfeiture.gov as shown on the Submission of Declaration of Publication dated and filed on February 7, 2018 [Doc. 8]. Based on that notice, the deadline for filing claims was March 6, 2018. The Government also submitted direct notice to individuals and entities who reasonably appeared to be potential claimants on the facts known to the Government. That direct notice is described on the Submission of Documentation of Direct Notice dated and filed on February 27, 2018 [Doc 9]. Specifically, the Government provided direct

notice to the following individuals and entities who reasonably appeared to be potential claimants to the Properties:

Albert V. Strong
Kelly Strong
MERS
Tony Scheer, Esq.
Guild Mortgage Company
Vickie McCorkle
Eaglemark Savings Bank
Penny Mac Loan Services

The Government settled with PennyMac Corp., which had acquired the interest of Guild Mortgage in a real property in this case, and this Court memorialized that settlement in an Order (Doc. 11) dismissing the real property from this action. Other than PennyMac Corp., whose interest as to one real property has been fully adjudicated by dismissal of a real property, none of the parties to whom the Government sent direct notice or any other parties have filed a claim within the time period provided by law. Therefore, on July 5, 2018, on Motion [Doc. 14] of the Government, the Clerk of Court entered a default pursuant to Fed. R. Civ. P. 55(a) [Doc. 15]. Thus, default judgment is now appropriate.

II. Legal Conclusion

Fed. R. Civ. P. 55(b) provides for entry of the requested Default Judgment by the Court. Here, the United States has provided notice of forfeiture in accordance with Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Rule G. Further, the time period for filing claims has expired, and no claims have been filed. Finally, the Clerk has entered default. Therefore, the requested Default Judgment is appropriate.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The Government's Motion for Default Judgment is hereby GRANTED.
2. Any and all right, title, and interest of all persons in the world in or to the Defendant Property is hereby forfeited to the United States, and no other right, title, or interest shall exist therein:

- Approximately \$2,061.22 in funds seized from Bank of American Account XXXX-XXXX-1340, such account held by or for the benefit of Albert V. Strong;
- Approximately \$447.46 in funds seized from Bank of America Account XXXXXXXX5965, such account held by or for the benefit of Albert Strong DBA Tri State Machine & Fab, Albert V. Strong Sole Proprietorship;
- One 2009 Harley Davidson Model FLSTC, VIN 1HD1BW5159Y026948, titled to Albert V. Strong;
- One 2003 Harley Davidson Model FLSTSI ANNIV, VIN 1HD1BYB403Y019956, titled to Albert V. Strong;
- One 2012 Harley Davidson Model FLSTSE3, VIN 1HD1PY910CB954510, titled to Albert V. Strong;
- One 2014 Harley Davidson Model FLHRSE, VIN 1HD1PG812EB950425, titled to Albert V. Strong;
- One 2013 Harley Davidson Model FLHTCUSE, VIN 1HD1PR810DB952796, titled to Albert V. Strong;
- One 2014 Harley Davidson Model VRSCF, VIN 1HD1HPH10DC802263, titled to Albert V. Strong;
- One 2014 Harley Davidson Model FLS SLIM, VIN 1HD1JRV14EB028899, titled to Albert V. Strong;
- One 2015 Harley Davidson Model FLHXSE, VIN 1HD1PXN15FB954815, titled to Albert V. Strong;
- One 2013 LEXUS GS350, VIN JTHBE1BL2D5003979, titled to Albert V. Strong;
- The real property at 127 Douglas Heights, # 14, Union, South Carolina, more

particularly described in a Warranty Deed to Albert Strong, recorded on April 6, 2009, at Union County Register of Deeds Book 237, Page 482;

- The real property at 104 Smith Drive, Union, South Carolina, more particularly described in a Tax Deed to Albert Strong, recorded on February 22, 2012, at Union County Register of Deeds Book 241, Page 916;
- The real property at 1911 Smith Road, Newberry, South Carolina, more particularly described in a Title to Real Estate to Albert V. Strong and Kelly E. Strong, recorded on May 1, 2013 at the Newberry County Register of Deeds, Book 1693, Page 245;
- The real property at 4007 Timber Crossing Drive, Rock Hill, South Carolina, more particularly described in a Deed to Vickie L. McCorkle and Albert V. Strong, recorded on or about March 17 or 18, 2014 at the York County Register of Deeds, Volume 14015, Page 170; and
- The real property at 127 Douglas Heights, # 13, Union, South Carolina, more particularly described in a Warranty Deed to Albert V. Strong, recorded on June 30, 2014, at Union County Register of Deeds Book 254, Page 460.

3. The United States is hereby directed to dispose of the Defendant Property as provided by law.

SO ORDERED.

Signed: September 25, 2018

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

